

GAHC010241762023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./4039/2023

CHAMPAK KR. ROY AND ANR.
S/O LATE DWIPENDRA NATH ROY
R/O UJANPETLA PT.I
P.S. TAMARHAT
DIST. DHUBRI, ASSAM
PIN-783334

2: NIRAN ROY @ NIRANJAN ROY
S/O LATE TARANI ROY
R/O GORARHAT
P.S. AGOMONI
DIST. DHUBRI
ASSAM
PIN-78333

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MRS. K DEVI

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 21.11.2023

Heard Ms. K. Devi, learned counsel for the petitioners. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State.

This application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioners, namely, (1) Champak Kr. Roy, and (2) Niranjana Roy @ Niranjana Roy, who have been detained behind the bar since 16.09.2023 (since last 67 days) in connection with Tamarhat P. S. Case No. 120/2023 under sections 120(B)/109/498(A)/313/201 of the IPC (corresponding G.R. Case No. 1490/2023).

The gist of the accusation against the present petitioners is that on 06.09.2023, one Smt. Manika Roy, who is the wife of the petitioner no. 1 and sister-in-law of the petitioner no. 2 lodged an FIR before the Officer-in-charge of Paglahat Police Station, *inter-alia*, alleging that the first informant was married to the petitioner no.1 on 18.02.2023 and after the marriage the petitioner no.1 used to subject her to torture, physical and mental and also gave some medicine to the informant on pretext of curing her sick body however, after taking the said medicine she miscarriage her pregnancy.

The learned counsel for the petitioners has submitted that in the meanwhile, the accused no. 2, 3 and 4 are already allowed to go on anticipatory bail by this court.

It is further submitted that the petitioners are already detained behind the bar since last 67 days and considering the period of detention, they may be allowed to go on bail.

On the other hand, learned Additional Public Prosecutor has produced the case diary of Tamarhat P. S. Case No. 120/2023 and has submitted that the investigation of this case has fairly progressed, however, it is pending for collection of the medical report regarding termination of pregnancy of the victim women.

Considering the progress made in the investigation as well as period of detention already undergone by the petitioners (67 days), this Court is of considered opinion that further custodial detention of the above petitioners does not appear to be necessary for fair completion of the investigation of Tamarhat P. S. Case No. 120/2023

In view of the above named petitioners are hereby allowed to go on bail of Rs. 30,000/- (Rupees Thirty Thousand only) each with one surety of like amount subject to the satisfaction of the learned Chief Judicial Magistrate, Dhubri subject to the following conditions:

- i. That the petitioners shall co-operate in the investigation.
- ii. That the petitioners shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case, so as to dissuade such person from disclosing such facts of the case before the Investigating Officer.

With the above observation, this bail application is accordingly disposed of.
Send back the case diary.

JUDGE

Comparing Assistant